

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

ELISHA RIGGLEMAN,

Plaintiff,

v.

CIVIL ACTION NO. 5:12-cv-05276

BECKLEY CONSOLIDATED LEGAL
CENTER and JO EVA BEAN,

Defendants.

MEMORANDUM OPINION AND ORDER

The Court has reviewed the Plaintiff's complaint (Document 1) filed on September 10, 2012, as well as his pro-se, letter-form motion to dismiss the complaint (Document 4) filed on September 20, 2012.

By *Standing Order* (Document 2) entered on September 10, 2012, this action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On September 27, 2012, the Magistrate Judge submitted *Proposed Findings and Recommendation* (Document 5) wherein it is recommended that this Court grant the Plaintiff's motion to dismiss the complaint, dismiss the complaint without prejudice, and remove this action from the Court's docket.


Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the

factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Plaintiff's motion to dismiss the complaint (Document 4) be **GRANTED**, that the Plaintiff's complaint (Document 1) be **DISMISSED WITHOUT PREJUDICE**, and that this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented party.

ENTER: October 25, 2012


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA